REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-13, and 15-20 are pending in this application. Claims 1, 3-7, 9-13, and 15-19 are amended by the present amendment, Claim 2 is canceled, and Claim 20 is added. Support for additions and amendments to the claims can be found in the disclosure as originally filed, for example, in Figures 1, 5, 10, and on pages 11-16, 19-20, and 36-37. Thus, no new matter is added.

Applicants thank the Examiner for the courtesy of an interview extended to Applicants' representatives on October 13, 2009. During the interview, Applicants' representatives discussed a proposed amendment to Claim 16 and discussed the invention in detail. The Examiner suggested that the claim language be clarified to reflect the invention more clearly.

In the outstanding Office Action, Claims 1, 9-10, and 12-16 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite; Claims 1-3, 6, 9, and 11-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ellis et al. (U.S. Pat. Pub. No. 2004/0117831, herein "Ellis") in view of Terada (U.S. Pat. Pub. No. 2003/0149665) and Yacenda et al. (U.S. Pat. Pub. No. 2004/0015993, herein "Yacenda"); Claims 4-5, and 7 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ellis, Terada, and Yacenda, and further in view of Kitadai et al. (U.S. Pat. Pub. No. 2004/0064837, herein "Kitadai"); Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Ellis, Terada, Yacenda, and Kitadai, in further view of Strietzel (U.S. Pat. No. 6,950,804); Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Ellis, Terada, Yacenda, in further view of Strietzel; Claims 17-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ellis, Terada, Yacenda, in further view of Yamanaks (U.S. Pat. Pub. No. 2005/0165685); and Claim 19 was rejected under 35

U.S.C. § 103(a) as unpatentable over Ellis, Terada, Yacenda, and Yamanaks, in further view of Edenson et al. (U.S. Pat. No. 7,006,995, herein "Edenson"). Applicants respectfully traverse that rejection with respect to amended independent Claims 1, 12, 13, 15, and 16.

Before turning to the outstanding rejection, a brief overview of the claimed invention would be helpful. For example, according to a non-limiting embodiment shown in Applicants' Figure 1, content, such as a movie, may be screened for a user (e.g., a moviegoer) at a physical location (e.g., a movie theater) and content supplier information may be stored by a first storage means (e.g., management server) identifying a content supplier (e.g., a movie distributor or theater operator) that screens the content at the physical location. In addition, the same content may be viewed by a user on another terminal (e.g., terminal of the user) through a network. Further, a payment processing unit 112 may provide a payment to the content supplier that screens the content at the physical location (e.g., the movie theater) based on viewing history information and first content information. For example, in a non-limiting embodiment, a user may choose to view content at his or her home instead of at the physical location where the content is being screened (e.g., a movie theater). The user may view this content at home and then provide payment to the movie theatre, the payment being calculated based on some criteria. Therefore, the user may view the content in the privacy of his or her home, and the movie theatre providing the content does not lose business and/or money.

Addressing now the rejection of Claims 1, 9-10, and 12-16 under 35 U.S.C. § 112, second paragraph, as indefinite, Applicants respectfully submit that the currently amended claims render the present rejection moot. Specifically, independent Claim 1 now recites that the content supplier is paid by the user. Furthermore, with respect to dependent Claim 10, the "charge from the user" language noted by the Office Action as rendering the claim unclear, has been deleted by the present amendment. Therefore, Applicants respectfully request that

the rejection of Claims 1, 9-10, and 12-16 under 35 U.S.C. § 112, second paragraph, be

reconsidered and withdrawn.

Addressing now the rejection of Claims 1-3, 6, 9, and 11-16 under 35 U.S.C. § 103(a)

as unpatentable over Ellis in view of Terada and Yacenda, Applicants respectfully traverse

this rejection.

Claim 1 recites, in part,

> first storage means for storing first content
> information indicating content that is screened for a user at
> a physical location and content supplier information
> identifying a content supplier that screens the content at the
> physical location;
> distributing means for distributing the content to a
> terminal of the user via a network, the terminal being at a
> different location than the physical location and configured
> to allow the user to view the content;
> viewing history storage means for storing viewing
> history information including an indication that the user has
> viewed the content on the terminal;
> calculating means for calculating a payment to the
> content supplier that screens the content at the physical
> location, the payment based on the viewing history
> information and the first content information; and
> payment processing means for providing the
> payment from the user to the content supplier that screens
> the content at the physical location.

Independent Claims 12, 13, 15, and 16 include similar features or related steps directed to

different classes and/or scopes of invention.

Applicants respectfully submit that Ellis, Terada, and Yacenda, whether taken

individually or in combination, fail to teach or suggest each of the features of any of the

independent claims. For example, it is respectfully submitted that the references fail to teach

or suggest calculating means for calculating a payment to the content supplier that screens the

content at the physical location, the payment based on the viewing history information and

the first content information, and payment processing means for providing the payment from

the user to the content supplier that screens the content at the physical location, as recited in

Claim 1.

Ellis describes an interactive television program guide system that has niche hubs.

Each of the niche hubs is an area of the program guide in which features, programming, and

information related to a particular programming category where user interest may be found.[1]

Terada describes a contents distribution system that collects a contents use fee while enabling

a contents user to use a content at a low cost, and enabling a company that sells the product to

increase user's appetite for the product without running a commercial in the content.[2]

Yacenda discloses a system for providing movies on demand by enabling a central system to

transmit movies from its inventory to a local storage and replay device in a user's home.[3]

As was discussed in the interview, Ellis, Terada, and Yacenda, whether taken

individually or in combination, fail to teach or suggest, among other things, calculating

means for *calculating a payment to the content supplier that screens the content at the*

physical location, the payment based on the viewing history information and the content

information, and payment processing means for *providing the payment from the user to the*

content supplier that screens the content at the physical location, as recited in independent

Claim 1 and as similarly recited in independent Claims 12, 13, 15, and 16.

As noted in the outstanding Office Action, Ellis fails to disclose a viewing history

storage means and the calculating of a payment.[4] The Office Action asserts that Terada

discloses calculating the payment to the content supplier.[5]

However, Terada calculates a fee to be charged to the user for viewing a broadcasted

program at his or her terminal (e.g., home) only. Terada does not describe or suggest

calculating means for *calculating a payment to the content supplier that screens the content*

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[1] Ellis: paragraph [0009]
[2] Terada: paragraph [0013]
[3] Yacenda: paragraph [0018]
[4] Office Action: page 6
[5] Office Action: page 7

at the physical location, the payment based on the viewing history information and the first

content information, as recited in Claim 1. Thus, because Terada's content is not available to

be viewed both at a physical location and at a terminal of the user, the terminal being at a

different location than the physical location, Terada's invention **cannot** *calculate a payment*

to the content supplier that screens the content at the physical location. Furthermore, Terada

does not teach or suggest payment processing means for *providing the payment from the user*

to the content supplier that screens the content at the physical location, as further recited in

Claim 1.

The outstanding Office Action further asserts that Yacenda discloses payments to a

content supplier, as claimed in Claim 1.[6]

Although Yacenda's invention calculates payments (e.g., royalty payments), it does

not describe or suggest calculating means for *calculating a payment to the content supplier*

that screens the content at the physical location, the payment based on the viewing history

information and the first content information, as recited in Claim 1. Moreover, Yacenda's

invention deals with movies-on-demand, and it does not describe any type of payment

calculating with relation to content available both at a physical location and at a terminal of

the user, the terminal being at a different location than the physical location. Further,

Yacenda does not teach or suggest payment processing means for *providing the payment*

from the user to the content supplier that screens the content at the physical location, as

recited in Claim 1.

Furthermore, none of the other cited references, whether taken individually or in

combination, disclose or suggest the features of independent Claims 1, 12, 13, 15, and 16.

For example, Kitadai discloses a system for distributing contents to the terminals of

users through a network, thereby allowing a large number of users to view movies without

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[6] Office Action: page 8

disordering the commercial domain of the showing movie theatre.[7] More specifically,

Kitadai's system is aimed at balancing the user's desire to see a movie in the privacy of his or

her own home with a movie theatre's desire to profit from the movies it screens. To ensure

that a movie theatre does not lose money, movies may be prohibited (e.g., prohibition of

distribution) from being viewed at the user's home.[8] In fact, the user may be sent a message

such as: "Since the film is road-shown in the area of the user, it cannot be distributed through

a network."[9] Therefore, Kitadai does not solve the problem of enabling a user to watch any

movie playing at a movie theatre while ensuring that the movie theatre loses no profits from

the users watching the movie at home.

On the other hand, in the claimed invention, as recited in Claim 1, distributing means

distribute the content to a terminal of a user, the terminal being at a different location than the

physical location, calculating means *calculate payment to the content supplier that screens*

the content at the physical location, and payment processing means provide the payment

from the user to the *content supplier that screens the content at the physical location.*

Nothing in Kitadai discloses or suggests such claimed features. Furthermore,

although Kitadai calculates some fees based on some criteria, **none of the fees are**

calculated for and sent to the content supplier that screens the content at the physical

location, as recited in independent Claims 1, 12, 13, 15, and 16.

Thus, it is respectfully submitted that independent Claims 1, 12, 13, 15, and 16, and

claims depending therefrom, patentably define over Ellis, Terada, Yacenda, and the other

cited references. Therefore, Applicants respectfully request the rejection of Claims 1-3, 6, 9,

and 11-16 under 35 U.S.C. § 103(a) as unpatentable over Ellis, Terada, and Yacenda, be

withdrawn.

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[7] Kitadai: Abstract
[8] Kitadai: paragraph [0057]
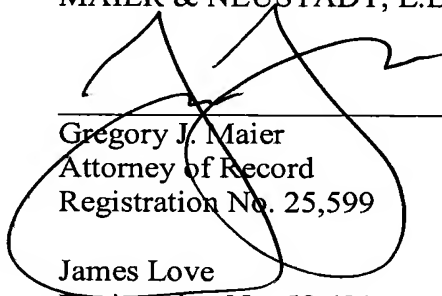[9] Kitadai: paragraph [0057]

New dependent Claim 20 has been added to further define the claimed apparatus. No new matter has been added. Claim 20 is directed to incentive means provided to the user. Support for this claim is found throughout the Applicants' disclosure, such as, but not limited to, pages 36-37. Applicants believe new Claim 20 is neither taught nor suggested in the cited art of record and thus is believed to contain allowable subject matter.

Accordingly, Applicants respectfully submit that independent Claims 1, 12, 13, 15, and 16, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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